UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/1/Add.1
17 May 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1991/1.

3. At its thirty-eighth session, the Sub-Commission, by its decision 1985/109, decided to observe at the commencement of its future annual sessions, beginning with the thirty-ninth session, a minute of silence in honour of the victims of apartheid in South Africa.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1 and decision 1988/104).

5. As a result of those decisions, the Sub-Commission considers at odd-numbered sessions, such as the present, the following items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Review of the work of the Sub-Commission;

and at even-numbered sessions, the following items:

(d) Human rights and disability;

(e) Human rights and scientific and technological developments;

(f) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1990/113, adopted at its forty-second session, the Sub-Commission decided to suspend the debate on the agenda item "Human rights and disability" and to include it in the provisional agenda for its forty-third session as a matter of the highest priority.

7. At its forty-first session, by its resolution 1989/1, the Sub-Commission, recalling its resolution 1985/34 and Commission on Human Rights resolution 1985/28, decided that the item entitled "The new international economic order and the promotion of human rights" would be considered on an annual basis.

8. At its forty-first session, by its resolution 1989/41, the Sub-Commission decided to consider matters related to slavery and slavery-like practices in subsequent sessions under the agenda item entitled "Contemporary forms of slavery".

9. The Sub-Commission may wish to recall the following decisions that it took at its forty-second session:

(a) By its resolution 1990/106, the Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto until its forty-third session. For the text of the draft resolution and the amendments thereto see paragraphs 69 and 70 of the report of the Sub-Commission on its forty-second session (E/CN.4/1991/2);

(b) By its decision 1990/115, the Sub-Commission decided to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.40 until its forty-third session. For the text of the draft resolution see paragraph 77 of the report of the Sub-Commission on its forty-second session (E/CN.4/1991/2);

(c) By decision 1990/116, the Sub-Commission decided to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.45 until its forty-third session. For the text of the draft resolution see paragraph 101 of the report of the Sub-Commission on its forty-second session (E/CN.4/1991/2);

(d) By its decision 1990/121, the Sub-Commission decided to discuss the situation in Lebanon at its forty-third session (see annotations to item 6).

Organization of work

10. With regard to the question of the organization of work of the present session, the Sub-Commission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc intersessional subsidiary bodies without prior approval of the Council.

11. As authorized by the Council, three working groups are scheduled to meet prior to the forty-third session of the Sub-Commission: the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 15) and the Working Group on Contemporary Forms of Slavery (see annotations to item 16). In this regard, the Sub-Commission may recall that, by its resolution 1990/26, the Sub-Commission recommended to the Commission on Human Rights that it recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission. In its resolution 1991/59, the Commission recommended that the Economic and Social Council authorize the Working Group to meet for 10 working days prior to the forty-third session of the Sub-Commission.

12. At its thirty-fourth and subsequent sessions, the Sub-Commission had established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at the present session (see annotations to item 10 (a)).

13. By its decision 1990/125, the Sub-Commission decided that the sessional working group of five of its members, appointed by Sub-Commission decision 1989/104, should continue its work at the forty-third session (see annotations to items 3 and 6).

14. By its decision 1990/123, the Sub-Commission also decided to establish, at its forty-third session, a sessional open-ended working group with the view to continuing to work on the preparation of the revised version of the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (see annotations to item 19).

15. When considering its organization of work, the Sub-Commission may wish to take into account Commission resolution 1991/56, by which the Commission, inter alia,

(a) Requested the Sub-Commission to give priority to those topics on which standards are being prepared;

(b) Recommended that the Sub-Commission should propose a new study only when a previously authorized one was fully completed;

(c) Recommended that the Sub-Commission should restrict the number of studies undertaken at any one time in order to give the opportunity to all members to participate in an in-depth discussion among experts;

(d) Urged the Sub-Commission to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution as an expert body;

(e) Invited the Sub-Commission to continue to give due regard to new developments in the field of human rights;

(f) Encouraged the Sub-Commission to continue and finalize its discussions on the best way to improve the efficiency of the debate, while attaching high priority to the efforts to rationalize and streamline its work.

16. The Commission, by the same resolution, invited its Chairman to inform the Sub-Commission on the debate of the Commission on the work of the Sub-Commission.

17. The Commission further requested the Sub-Commission, at its forty-third session, to consider its practice of forwarding draft resolutions and decisions to the Commission for attention, action or consideration.

18. The Sub-Commission will recall its decision 1990/122, by which it decided that draft resolutions and decisions should not be introduced by one of the sponsors, and urged members not to make general comments on the draft, but offer only concrete proposals on the texts.

19. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon recommendation by the Commission in its resolution 1986/31, by which the Council requested the Sub-Commission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the

special rapporteurs of the Sub-Commission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, reference should be made to Economic and Social Council resolution 1982/50 and the annex thereto, Commission resolution 17 (XXXVII) of 10 March 1981, 1983/22, 1983/28, 1988/43, 1989/32 and 1991/56, as well as the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Item 3. Review of the work of the Sub-Commission

20. This item was first on the Sub-Commission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. Subsequently, the Economic and Social Council, by resolution 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36 and 1990/64 and decision 1986/102; and the Sub-Commission, by resolutions 1983/21, 1984/37 and 1985/24, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role, title and methods of work, as well as the election of its members. Commission resolution 1990/64 requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines provided by the Commission in that resolution. The Chairman of the Sub-Commission submitted his report to the Commission's forty-seventh session (E/CN.4/1991/48).

21. The Commission on Human Rights, at its forty-seventh session, adopted resolution 1991/56 entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, inter alia, reaffirmed that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission as well as in the expert studies carried out under its auspices; called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council; requested the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission; urged all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting; recommended that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed; and reminded the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies.

22. In that same resolution, the Commission recommended that the Sub-Commission should restrict the number of studies undertaken at any one time to give the opportunity to all members to participate in an in-depth discussion among experts and should consider elaborating procedures with a view to ensuring the earliest possible completion of studies.

23. The Commission further requested the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission; invited the Sub-Commission to give due consideration to draft resolutions proposed for adoption, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups; and requested the Sub-Commission to consider its practice of forwarding draft resolutions or decisions to the Commission. The Commission recognized that working groups constituted an invaluable element in the expert work of the Sub-Commission, noted the steps taken so far by the Sub-Commission to rationalize and streamline its work and encouraged the Sub-Commission to continue this process, and called upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission. The Commission invited the Chairman of the Commission to inform the Sub-Commission on the debate under its item concerning the work of the Sub-Commission. Finally, the Commission requested the Chairman of the Sub-Commission to report to it on the implementation of the guidelines which it provided in that resolution. With respect to the subject of rationalizing its work, the Sub-Commission may wish to take note of Commission decision 1991/109, containing guidelines for a revised provisional agenda for its forty-ninth session.

24. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, by which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Various possibilities of implementing paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission

25. At its fortieth session, the Sub-Commission decided to continue the discussion at its forty-first session of this subject, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or to other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

26. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. At its forty-second session, by its decision 1990/125, the Sub-Commission decided that the working group should continue its work at the forty-third session.

27. At its forty-seventh session, the Commission on Human Rights, by its resolution 1991/56, invited the working group of the Sub-Commission to intensify its discussions on reform issues and to examine ways and means to avoid any proliferation of studies as well as draft resolutions and decisions on issues already being dealt with by the Commission.

28. At the present session, the Sub-Commission will have before it the report of the Working Group (see also item 6) (E/CN.4/Sub.2/1991/16).

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

29. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-third session, will have before it a note of the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1991/2).

30. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1991/3 and E/CN.4/Sub.2/1991/4 respectively.

Compensation for victims of gross violations of human rights

31. The Sub-Commission, at its forty-first session, by its resolution 1989/13, entrusted Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights

norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect.

32. The Sub-Commission, at its forty-second session, by its resolution 1990/6, requested Mr. van Boven to prepare for the Sub-Commission, at its forty-third session, a progress report on the subject.

33. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/7).

Human rights and the environment

34. At its forty-second session, having considered the concise note of Ms. Fatma Zohra Ksentini on the subject (E/CN.4/Sub.2/1990/12), the Sub-Commission adopted resolution 1990/7, by which it entrusted Ms. Ksentini with the task of preparing a study on human rights and the environment and requested her to submit a preliminary report to the Sub-Commission at its forty-third session. It recommended to the Commission that it should endorse Ms. Ksentini's appointment as Special Rapporteur.

35. At its forty-seventh session, the Commission on Human Rights, by its resolution 1991/44, endorsed the appointment by the Sub-Commission of Ms. Ksentini as Special Rapporteur and recommended to the Preparatory Committee for the United Nations Conference on Environment and Development that Ms. Ksentini be invited to participate as an observer at the sessions of the Preparatory Committee and the Conference. The Special Rapporteur was requested to complete the study and to submit a report to the Sub-Commission at its forty-third session with a view to making a timely contribution to the Preparatory Committee. The Commission further recommended that the Economic and Social Council should endorse the appointment of Ms. Ksentini as Special Rapporteur.

36. At its present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1991/8).

Right to freedom of opinion and expression

37. At its fortieth session, the Sub-Commission, by its decision 1989/110, requested Mr. Danilo Türk to prepare a working paper containing a proposal for carrying out a study called for by the Commission on Human Rights in its resolution 1988/37 concerning the right to freedom of expression and opinion, with the aim of clarifying conceptual and methodological questions and to serve as a basis on which future decisions could be taken by the Sub-Commission on this matter.

38. At its forty-first session, the Sub-Commission, by its resolution 1989/14, decided to entrust Mr. Louis Joinet and Mr. Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion.

39. At its forty-second session, having considered the preliminary report submitted by the Special Rapporteurs (E/CN.4/Sub.2/1990/11), the Sub-Commission, by its decision 1990/117, decided to give priority consideration to the updated report on the subject at its forty-third session.

40. The Commission, at its forty-seventh session, adopted resolution 1991/32, by which it welcomed the intention of the Special Rapporteurs to study in greater details measures necessary for the strengthening and promotion of this right and decided to review this question on the basis, inter alia, of the updated report of the Special Rapporteurs.

41. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/1991/9).

Traditional practices affecting the health of women and children

42. The Sub-Commission, at its thirty-sixth session, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. The Commission, for its part, in resolution 1984/48, recommended to the Economic and Social Council that a working group of experts should undertake such a study. The Council endorsed that recommendation (resolution 1984/34) and the report was presented to the Commission at its forty-second session, in 1986 (E/CN.4/1986/42). The Commission, by its resolution 1986/28, took note of the report of the working group and requested the Secretary-General to transmit the report to Governments, competent organizations and specialized agencies, drawing their attention to the recommendations contained therein. At its forty-fourth session, the Commission, by its resolution 1988/57, requested the Sub-Commission to consider measures to be taken at the national and international levels to eliminate such practices, and to submit a report to the Commission at its forty-sixth session.

43. The Sub-Commission, at its fortieth session, by its resolution 1988/34, requested Ms. Halima Embarek Warzazi to study, on the basis of information to be gathered from Governments, specialized agencies and other intergovernmental and non-governmental organizations concerned, recent developments with regard to traditional practices affecting the health of women and children, and to bring the results of her study to the attention of the Sub-Commission at its forty-first session. The Commission, at its forty-fifth session, by its decision 1989/107, approved the Sub-Commission's request.

44. At its forty-first session, by its resolution 1989/16, the Sub-Commission took note of Ms. Warzazi's preliminary report (E/CN.4/Sub.2/1989/42 and Add.1) and made the following recommendations to the Commission on Human Rights:

(a) The mandate of the Special Rapporteur should be extended for two years so as to enable her to present a more complete report;

(b) Field missions should be undertaken by Ms. Warzazi, if possible to two countries where harmful traditional practices are prevalent;

(c) International regional seminars should be held on the subject of harmful traditional practices in Africa and Asia;

(d) All efforts should be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and Economic and Social Commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the current report;

(e) The subject of traditional practices should be on the agenda of the Sub-Commission for sustained follow-up.

45. The recommendations were endorsed by the Commission (decision 1990/109) and the Economic and Social Council (decision 1990/247).

46. The Sub-Commission at the present session will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/1991/6).

Discrimination against HIV-infected people or people with AIDS

47. The Sub-Commission, by its decision 1988/111, decided that the information provided to the Sub-Commission at its fortieth session by the World Health Organization, the International Commission of Jurists and certain members on the problem of discrimination against persons with the HIV virus or suffering from AIDS, together with the consideration set forth in General Assembly resolution 42/8 of 26 October 1987 and World Health Assembly resolution WHA 41.24 of 13 May 1988, justified consideration of the question whether the Sub-Commission should study that problem. Consequently, the Sub-Commission asked Mr. Luis Varela Quirós to prepare, for submission to the Sub-Commission at its forty-first session, a concise note setting forth methods by which such a study could be made.

48. The Commission, by its resolution 1989/11, invited the Sub-Commission to examine, using the opportunity provided by the study on discrimination against persons with the HIV virus or suffering from AIDS envisaged in its decision 1988/111, the possibility of extending the scope of such a study to other kinds of discrimination against sick or disabled persons, in consultation with WHO and giving Governments that wished to express their views the opportunity to do so.

49. At its forty-first session, the Sub-Commission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS. The Sub-Commission recommended that the Special Rapporteur take into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened in Geneva.

50. At its forty-second session, the Sub-Commission, by its decision 1990/118, decided to continue consideration of the progress report of the Special Rapporteur at its forty-third session.

51. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/10).

Human rights in times of armed conflict

52. At its forty-first session, the Sub-Commission adopted resolution 1989/24, by which it recommended to the Commission that the Secretary-General should be called upon to request information from Governments on the scope of education provided to members of the police and the armed forces and to submit a report to the Sub-Commission. The Sub-Commission should study the matter further at its forty-second session.

53. At its forty-sixth session, by its resolution 1990/66, the Commission endorsed the recommendation of the Sub-Commission.

54. At its forty-second session, the Sub-Commission took no action on this question.

55. At its present session the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1991/5).

Status of special rapporteurs and representatives, members of the Sub-Commission and members of working groups established by the Commission

56. The Sub-Commission will recall Commission resolution 1991/33, which requested the Secretary-General to take the necessary measures to ensure that all special rapporteurs and representatives, independent experts, members of the Sub-Commission and members of working groups established by the Commission are considered as "experts on mission" within the context of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations, and in this regard urged States to comply with their obligations under the Convention. The Commission further requested the Secretary-General to take the necessary measures to ensure the prescribed protection for officials of the United Nations Secretariat accompanying special rapporteurs and representatives, independent experts, members of the Sub-Commission and members of working groups established by the Commission, on field missions, and to report to the Commission at its forty-eighth session on the measures taken in this regard.

Provisional suspension of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

57. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 (decision 1990/105) and agenda item 9 (decision 1990/111) of the forty-second session of the Sub-Commission.

58. At the same session, the Sub-Commission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

59. At its forty-seventh session, the Commission, by its resolution 1991/81, proposed that the Economic and Social Council interpret the rules of procedure of the functional commissions as they pertain to the Sub-Commission and recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members.

Movement and dumping of toxic and dangerous products and wastes

60. The Sub-Commission will recall Commission resolution 1991/47, by which the Commission invited the United Nations Environment Programme and the Organization of African Unity to intensify their collaboration on the problem of transboundary movements of hazardous wastes and their disposal, and decided to consider this question further.

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

61. The Sub-Commission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

62. In resolution 3057 (XXVIII) of 2 November 1973, the General Assembly designated the 10-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination; the Programme was annexed to that resolution. Since that time, the question of the implementation of the Programme has been discussed at each session of the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission.

63. The Second World Conference to Combat Racism and Racial Discrimination, which took place from 1 to 12 August 1983 in Geneva, adopted a Declaration and a Programme of Action for a Second Decade. Upon the recommendation of the Conference, the General Assembly, by its resolution 38/14 of 22 November 1983, proclaimed the period beginning on 10 December 1983 as the Second Decade to Combat Racism and Racial Discrimination and approved the Programme of Action annexed to that resolution.

64. The General Assembly, at its forty-second session, adopted resolution 42/47 of 30 November 1987 by which it approved a plan of activities for the period 1990-1993, the second half of the Second Decade.

65. At its forty-fifth session, the General Assembly adopted resolution 45/105 of 14 December 1990, by which it took note of the report submitted by the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/45/443). The Assembly also noted and commended the

efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Decade and encouraged the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts.

66. In the same resolution, the Assembly took note of the study of the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade and requested the Secretary-General to publish the study and distribute it on as wide a scale as possible. The Assembly further requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit recommendations for the implementation of measures to combat the effects of that discrimination.

67. At its forty-second session, the Sub-Commission, by its resolution 1990/1, requested the Secretary-General to consider ways and means necessary to respond to urgent situations and new trends involving racism and racial discrimination and to prepare an outline, for consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectiveness of United Nations actions to combat racism and racial discrimination. The Sub-Commission also requested the Secretary-General to organize, at the forty-third session, a joint meeting for one day with the Committee on the Elimination of Racial Discrimination.

68. By its resolution 1990/2, the Sub-Commission expressed its appreciation to the Special Rapporteur for his study (E/CN.4/Sub.2/1989/8 and Add.1), decided to transmit the recommendations contained in the study to the Secretary-General so that they might be taken into account in further actions to combat racism and racial discrimination. The Sub-Commission requested the Secretary-General to prepare, on the basis of replies obtained from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting the above-mentioned groups, as well as of measures taken by Governments against those phenomena and the effects of such measures and to submit the overview for consideration by the Sub-Commission at its forty-third session, under item 5 (a) of its agenda. The Sub-Commission also decided to give thorough consideration at its forty-third session to the recommendation of the Special Rapporteur to update the study on racial discrimination prepared in 1976 by Mr. Hernán Santa Cruz.

69. The Commission, at its forty-seventh session, by its resolution 1991/11, urged all States and international organizations to cooperate with the Secretary-General in the implementation of those activities for the period 1985-1989 (see A/39/167-E/1983/33 and Add.1 and 2) not yet undertaken and of the plan of activities for the period 1990-1991 listed in the annex to General Assembly resolution 42/47 of 30 November 1987. The Commission decided that the thematic topic for 1992 would be "Treatment of political prisoners and detainees in South Africa, particularly women and children" and for 1993 "Global survey on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination"; it took note with

satisfaction of the report of the Seminar on political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid, held at Geneva from 10 to 14 December 1990 (E/CN.4/1991/63 and Add.1) and recommended to the General Assembly that it take appropriate steps, in due course, to launch a Third Decade to Combat Racism and Racial Discrimination, to begin in 1993.

70. At its present session, the Sub-Commission will have before it the outline prepared by the Secretary-General (E/CN.4/Sub.2/1991/11 and the report of the Secretary-General (E/CN.4/Sub.2/1991/12 and Add.1).

Sub-item (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

71. This question has been considered by the Sub-Commission since its twenty-sixth session when, in resolution 3 (XXVI) of 19 September 1973, it affirmed the importance of evaluating the consequences for the enjoyment of human rights of assistance to the colonial and racist régimes of southern Africa. At its fifty-sixth session, in 1974, the Economic and Social Council approved the decision of the Commission on Human Rights to authorize the Sub-Commission to appoint a special rapporteur on this issue (resolution 1864 (LVI)). Since then, the Sub-Commission, the Commission on Human Rights and the General Assembly have regularly examined this question at various sessions and have adopted a number of resolutions pertaining thereto. Particular reference may be made to: (a) resolution 1 (XXX) of 26 August 1977, by which the Sub-Commission, in implementation of Commission on Human Rights resolution 7 (XXXIII) of 4 March 1977, invited Mr. Ahmed Khalifa, the Special Rapporteur on the question, to prepare the necessary material for a provisional general list identifying those whose activities constituted assistance to the colonial and racist régimes in southern Africa; (b) Sub-Commission resolutions 2 (XXXIII) of 2 September 1980 and 6 (XXXIV) of 9 September 1981 and resolutions 1982/16, 1983/6, 1984/4, 1985/3, 1987/7, 1988/3 and 1989/18, in which Mr. Khalifa was invited to continue, subject to annual review, to update the list and submit it through the Sub-Commission to the Commission.

72. At its forty-second session, the Sub-Commission considered the updated report submitted by the Special Rapporteur (E/CN.4/Sub.2/1990/13 and Add.1) and adopted resolution 1990/3 which recommended the Commission should adopt a resolution calling for the Economic and Social Council to welcome the Commission's invitation to the Special Rapporteur to continue to update his list.

73. At its forty-fifth session, the General Assembly also considered the updated report of the Special Rapporteur and adopted resolution 45/84 of 14 December 1990. By this resolution, the Assembly expressed its appreciation to the Special Rapporteur for his updated report and welcomed with satisfaction the intention of the Commission and the Sub-Commission to invite the Special Rapporteur to continue to update his list of banks, transnational corporations and other organizations assisting South Africa. The Assembly invited the Sub-Commission at its forty-third session to consider the Special Rapporteur's updated report.

74. The Commission on Human Rights, at its forty-seventh session, adopted resolution 1991/9 recommending that the Economic and Social Council should welcome the invitation to the Special Rapporteur and should request the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to visit that country within the perspective of the next update of his report. The attention of the Sub-Commission is also drawn to Commission resolution 1991/17 on adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to South Africa. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/1991/13 and Add.1).

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission established under Commission on Human Rights resolution 8 (XXIII)

75. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

76. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

Situation in South Africa

77. By its resolution 1990/10, the Sub-Commission, at its forty-second session, welcomed the introduction of the policy measures by the Government of South Africa which has resulted, inter alia, in the unbanning of the African

National Congress, the Pan Africanist Congress of Azania and other political parties; the release of Mr. Nelson Mandela and some political prisoners; and the partial lifting of the state of emergency. It called upon opponents of apartheid in South Africa to form a broad united front and demonstrate unity of purpose and concerted action for the elimination of apartheid and the establishment of a non-racial democratic South Africa and strongly urged the international community to maintain sanctions and other forms of international pressure against the Pretoria régime in order to compel it to eradicate apartheid. The Sub-Commission also urged those Governments that had recently established or were contemplating the establishment of diplomatic relations to reconsider their decision.

78. By its resolution 1991/21, the Commission, at its forty-seventh session, commended the positive change which took place in South Africa in 1990 and took note of the recent major political pronouncements by the Government of South Africa. It urged the South African Government to repeal all discriminatory and repressive legislation under apartheid without delay or exception and to proceed to negotiate in good faith for a democratic non-racial government. The Commission further called upon the Government of South Africa to negotiate an agreement with all parties on transitional arrangements and modalities on the process of drawing up a new constitution. It decided to extend for a further two years the mandate of the Ad Hoc Working Group of Experts on South Africa and renewed its request to the Government of South Africa to allow the Group to visit the country.

79. The attention of the Sub-Commission is drawn to General Assembly resolution 45/176 of 19 December 1990 entitled "Policies of apartheid of the Government of South Africa".

Situation in the Palestinian and other Arab territories occupied by Israel

80. By resolution 1990/12, the Sub-Commission, at its forty-second session, requested the Secretary-General to provide it, at its forty-third session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and with all other information relevant to the implementation of the resolution.

81. The Commission on Human Rights, at its forty-seventh session, adopted resolutions 1991/1 A and B entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine"; 1991/2 entitled "Human rights in the occupied Syrian Arab territory" and 1991/3 entitled "Israeli settlements in the occupied Arab territories". The Commission also adopted resolution 1991/6 on the situation in occupied Palestine.

Situation of human rights in the Islamic Republic of Iran

82. By resolution 1990/9, the Sub-Commission requested the Secretary-General to inform the Sub-Commission, at its forty-third session, of relevant reports by other special rapporteurs or bodies in the field of human rights, as well

as of steps which have been and are being taken by the General Assembly, the Economic and Social Council and the Commission on Human Rights to prevent violations of human rights in the Islamic Republic of Iran and decided to consider the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'i, at its forty-third session.

83. By its resolution 1990/8, the Sub-Commission strongly condemned the assassination of Professor Kazem Rajavi and expressed the wish that the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran would include information available to him in this regard in his next report.

84. The Commission on Human Rights, at its forty-seventh session, adopted resolution 1991/82 by which it requested the Special Representative to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to report on further progress to the Commission at its forty-eighth session. The Commission would consider his report with a view to discontinuing his mandate if further progress regarding his recommendations has been made.

85. The attention of the the Sub-Commission is further drawn to General Assembly resolution 45/173 of 18 December 1990 on the same subject.

Situation of human rights in Guatemala

86. The Sub-Commission, by its resolution 1990/11, exhorted the Government of Guatemala to intensify its efforts to ensure that the human rights and fundamental freedoms of its citizens are respected, to adopt and implement energetic measures to prevent violations of these rights and freedoms, to protect and promote the organizations which safeguard human rights, and to undertake investigations of violations of human rights. It urged the Government to adopt practical measures to improve the economic, social and political conditions of the indigenous peoples, taking into account their petitions and proposals, together with all relevant international standards in this field; encouraged it to continue to support the process of national reconciliation and especially the talks between the various sectors of Guatemalan society and Guatemalan National Revolutionary Unity, organized by the National Reconciliation Commission with the aim of achieving a peaceful solution to the long process of confrontation which Guatemala has experienced; and called upon all parties concerned to continue the talks established under the Oslo Agreement, and to create the appropriate conditions for the achievement of national reconciliation and the cessation of armed actions contrary to that objective.

87. The Commission on Human Rights, at its forty-seventh session, expressed its gratitude to the Government of Guatemala for its collaboration with the Centre for Human Rights. It further requested the Secretary-General to continue to provide the Government of Guatemala with advisory services in the field of human rights and to extend the mandate of the independent expert so that he may continue to examine the human rights situation in that country (resolution 1991/51).

Situation in Iraq and in occupied Kuwait

88. By its resolution 1990/13, the Sub-Commission recommended to the Commission that it consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq.

89. In this context, the Sub-Commission will recall its decisions 1990/108 and 109 on the situation in the Gulf.

90. The Commission, at its forty-seventh session, decided to appoint a special rapporteur to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq (resolution 1991/67).

91. At the same session, the Commission adopted resolution 1991/74 on the situation of human rights in Iraq by which it requested its Chairman to appoint a special rapporteur with the mandate to undertake a thorough study of the violations of human rights by the Government of Iraq (resolution 1991/74).

92. The General Assembly, at its forty-fifth session, adopted resolution 45/170 of 18 December 1990 on the situation of human rights in occupied Kuwait.

Situation of human rights in El Salvador

93. By resolution 1990/14, the Sub-Commission at its forty-second session expressed its deep concern over the persistent increase in the number of human rights violations being committed for political reasons in El Salvador and over the continued failure to observe the humanitarian rules of war; welcomed the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have concluded agreements and taken verification measures on human rights, since strict compliance with these rights is essential for guaranteeing a just and lasting peace; and urged the immediate adoption of all necessary actions and measures, as were agreed, to avoid any type of act or practice prejudicial to the life, integrity, security and freedom of persons and to eliminate any form of disappearances and abductions, as well as to give priority to investigating any cases of this kind which might occur and identifying and punishing the culprits. The Sub-Commission recommended to the Special Representative of the Commission on Human Rights, in his report to the General Assembly, to place special emphasis on verifying whether the commitments and measures set out in the agreement on human rights signed by the two parties on 26 July 1990 have been implemented.

94. At its forty-seventh session, the Commission, by its resolution 1991/75, commended the Special Rapporteur for his report (E/CN.4/1991/34) and endorsed the recommendations contained therein. It decided to extend the mandate of the Special Representative for a further year.

95. The General Assembly, at its forty-fifth session, having considered the report of the Special Representative, adopted resolution 45/172 of 18 December 1990 on the situation of human rights and fundamental freedoms in El Salvador.

Situation in East Timor

96. In its resolution 1990/15, the Sub-Commission recommended that the Commission on Human Rights should consider, at its forty-seventh session, the human rights situation in East Timor.

97. At its forty-seventh session, the Commission took no action on this subject.

Situation in Lebanon

98. By its decision 1990/121, the Sub-Commission decided to discuss the situation at its forty-third session.

99. At its forty-seventh session, the Commission considered the human rights situation in southern Lebanon and adopted resolution 1991/66, by which it decided to continue its consideration of the situation on human rights in southern Lebanon at its next session.

Establishment of a sessional working group

100. By decision 1989/104, the Sub-Commission decided to establish, at the beginning of its forty-second session, a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter.

101. The Sub-Commission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

102. At its forty-second session, the Sub-Commission established the working group and took note of its report (E/CN.4/Sub.2/1990/14). By its decision 1990/125, the Sub-Commission decided to continue the work of the Group at its forty-third session.

103. The Commission on Human Rights, in its resolution 1991/56, invited the Sub-Commission to instruct its working group to intensify its discussions on reform issues and to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission.

Other matters

104. In discussing this item, the Sub-Commission may wish to take into account the following resolutions and decisions adopted by the Commission on Human Rights at its forty-seventh session:

Resolutions

1991/4 Situation in Afghanistan

1991/5 Question of Western Sahara

1991/29 Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers

1991/68 Situation of human rights in Cuba

1991/69 Situation of human rights in Romania

1991/76 Situation of human rights in Albania

1991/77 Situation of human rights in Haiti

1991/78 Situation of human rights in Afghanistan

1991/80 Situation in Equatorial Guinea

Decisions

1991/104 Situation in Cambodia

1991/106 Question of human rights in Cyprus.

105. At its present session, the Sub-Commission will have before it the following documents in connection with this item:

(a) Note by the Secretary-General pursuant to Sub-Commission resolution 1990/9 (E/CN.4/Sub.2/1991/14);

(b) Note by the Secretary-General pursuant to Sub-Commission resolution 1990/12 (E/CN.4/Sub.2/1991/15);

(c) Report of the sessional working group (E/CN.4/Sub.2/1991/16).

Item 7. The New International Economic Order and the promotion of human rights

106. The Sub-Commission, at its thirty-first session, by decision 6 of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The New International Economic Order and the promotion of human rights". By its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. By its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis.

Sub-item (a) The role and equal participation of women in development

107. The Sub-Commission first proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item of its agenda during its thirty-seventh session, in 1984 (E/CN.4/Sub.2/1984/SR.39).

108. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26 entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The New International Economic Order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women.

109. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women.

Item 8. The realization of economic, social and cultural rights

110. The Commission, at its forty-third session, by resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35, the preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

111. The Sub-Commission, at its thirty-ninth session, in its resolution 1987/29 A, recommended to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, that the Sub-Commission be authorized to appoint, from its members to be elected in 1988, a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights; the special rapporteur would be requested to present a substantial progress report to the Sub-Commission at its forty-first session. The Commission, in its resolution 1988/22, invited the Sub-Commission to appoint a special rapporteur for that purpose.

112. At its fortieth session, the Sub-Commission, by its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur should

take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission. The resolution of the Sub-Commission was endorsed by Commission resolution 1989/13 and Economic and Social Council decision 1989/138.

113. By its resolution 1990/16, the Sub-Commission, having considered the progress report of the Special Rapporteur (E/CN.4/Sub.2/1990/19), endorsed the preliminary recommendations contained therein, requested the Special Rapporteur to prepare a second progress report and encouraged him to establish direct contact with international financial institutions as well as United Nations agencies utilizing social and economic data and indicators relevant to his study. The Sub-Commission invited the Commission on Human Rights, at its forty-seventh session, to consider requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

114. By its resolution 1990/17, the Sub-Commission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

115. By its resolution 1991/13, the Commission, at its forty-seventh session, invited interested Governments to provide the Special Rapporteur with their comments and information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights and requested the Special Rapporteur to take these views into account.

116. In its resolution 1991/18, the Commission on Human Rights welcomed the progress report of the Special Rapporteur and invited him, when preparing a progress report, to take into account comments made in the Commission, and requested that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged.

Human rights and extreme poverty

117. At its forty-sixth session, the Commission on Human Rights adopted resolution 1990/15, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them; it requested the Sub-Commission, when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

118. By its decision 1990/119, the Sub-Commission decided to request Mr. Eduardo Suescún Monroy to prepare the method and plan of work for the study on human rights and extreme poverty.

119. At its forty-seventh session, the Commission, in resolution 1991/14, recommended that the Sub-Commission, when considering, in accordance with its decision 1990/119, the method and plan of work for the study on human rights and extreme poverty, should give attention more particularly to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of the harsh reality of their lives and its causes.

Other matters

120. With regard to the issues under this item, the Sub-Commission may wish to note the following resolutions of the Commission adopted at its forty-seventh session:

1991/15 Right to development

1991/19 Respect for the right of everyone to own property alone as well as in association with others.

121. At the present session, the Sub-Commission will have before it the second progress report by the Special Rapporteur (E/CN.4/Sub.2/1991/17) and the report by Mr. Suescún Monroy (E/CN.4/Sub.2/1991/18).

Item 9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

122. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted provisional procedures for dealing with the question of admissibility of communications in resolution 1 (XXIV) of 13 August 1971. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. The Working Group has met prior to each session of the Sub-Commission and presented to the Sub-Commission a confidential report.

123. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

124. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

125. By decision 3 (XXXIV) of 3 March 1978 the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission to be present during the deliberations of the Commission on that item and to take the floor if he so wished.

126. A number of procedural steps have been taken at the Commission level with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). Since 1974, the Commission has every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations thereon to it. By resolution 1990/41, the Economic and Social Council, authorized the establishment of the Commission's Working Group on Situations, on a permanent basis, instead of the earlier ad hoc basis. The Working Group's recommendations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

127. By decision 1990/112, the Sub-Commission, wishing to modify its decision 1989/102, decided that the Working Group on Communications, acting under operative paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held from 22 July to 2 August 1991, the Working Group on Communications will, accordingly, consider communications received and processed by the Secretariat since the last session of the Sub-Commission and forwarded to the Governments concerned not later than 29 April 1991.

128. At its forty-second session, the Sub-Commission decided to suspend rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, so as to allow for voting by secret ballot on decisions at that session on proposals under Council resolution 1503 (XLVIII) (decision 1990/111).

129. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-third session.

130. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications of the Sub-Commission on its meetings from 22 July to 2 August 1991;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The confidential summary records of the forty-seventh session of the Commission on Human Rights, the text of the Commission's confidential decisions and other documents relating thereto;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Sub-Commission's forty-second session, as well as replies received from Governments during the period July 1990 - June 1991.

131. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

Annual review

132. By resolution 7 (XXVII) of 20 August 1974, the Sub-Commission decided to review annually developments concerning the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, provided that such non-governmental organizations acted in good faith and that their information was not politically motivated, contrary to the principles of the Charter of the United Nations.

133. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

134. In its resolution 1988/33, paragraph 6, the Commission on Human Rights reminded the Sub-Commission of the request made in its resolution 1987/33 that, when carrying out its annual review of the human rights of persons subjected to any form of detention or imprisonment, it should include in its consideration the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control bearing upon the subject, and requested the Secretary-General to continue to make available to the Sub-Commission succinct information on these matters.

135. In connection with the matters dealt with under item 10, the attention of the Sub-Commission is drawn to General Assembly resolutions 45/107 to 45/119 of 14 December 1990 which endorsed the various instruments and resolutions adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

136. The Sub-Commission will further recall Commission on Human Rights resolution 1991/38 entitled "Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur" and the report of the Special Rapporteur on Torture (E/CN.4/1990/17).

137. At the present session, under this item, the Sub-Commission will have before it:

(a) A report of the Secretary-General containing information received from Governments pursuant to Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1991/19 and Add.1);

(b) A report of the Secretary-General containing information from specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1991/20);

(c) A synopsis of material submitted by non-governmental organizations pursuant to Sub-Commission resolutions 7 (XXVII) and 4 (XXVIII) (E/CN.4/Sub.2/1991/21);

(d) A report by the Secretary-General giving succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control, in accordance with Commission on Human Rights resolution 1988/33 (E/CN.4/Sub.2/1991/22);

(e) The report of the sessional Working Group on Detention to the Sub-Commission (E/CN.4/Sub.2/1991/27).

Question of model legislation

138. The Sub-Commission may wish to refer to General Assembly resolution 45/166 of 18 December 1990, entitled "Human rights in the administration of justice", which contains a number of specific elements relevant to the matter dealt with under the present agenda item. In that resolution, the General Assembly drew the attention of the Commission on Human Rights and the Sub-Commission to the issues raised in the resolution in order to accord priority to issues related to human rights in the administration of justice.

139. The General Assembly, in the same resolution, requested the Commission on Human Rights to invite the Sub-Commission to study the implementation of United Nations norms and standards in the administration of justice and human rights; to identify problems that may impinge on their effective implementation; and to recommend viable solutions with action-oriented proposals to the Commission. It requested the Secretary-General to prepare, on the basis of comments by Member States and relevant international organizations and bodies, a draft model text for national legislation in the field of human rights in the administration of justice and to coordinate these activities of the Commission and the Sub-Commission with the Committee on Crime Prevention and Control. The Commission was further requested to invite the Sub-Commission to consider this draft model with a view to further elaboration of model texts and to propose such texts to the Commission for adoption.

140. The Commission, at its forty-seventh session, by resolution 1991/34, requested the Secretary-General to establish a consolidated list of provisions in the various United Nations standards relating to human rights in the administration of justice with a view to drafting model texts for national legislation. It invited the Sub-Commission, on the basis of this consolidated list, to study the implementation of United Nations norms and standards in this field; to identify problems that may impinge on their effective implementation; to recommend viable solutions with action-oriented proposals to the Commission; to take the necessary action with a view to elaborating model texts for national legislation for the effective implementation of standards relating to human rights in the administration of justice; to take the necessary action with a view to elaborating model texts for national legislation for the effective implementation of standards relating to human rights in the administration of justice; and to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon. The Sub-Commission was requested to report to the Commission at its forty-eighth session on the implementation of the resolution.

141. At the present session, the Sub-Commission will have before it the note by the Secretary-General containing the consolidated list of United Nations standards in the field of human rights in the administration of justice and comments received regarding model legislation (E/CN.4/Sub.2/1991/26).

Protection of staff members of the United Nations system

142. The Commission and the Sub-Commission have concerned themselves in recent years with the detention, disappearance, and death in detention of United Nations staff members from the point of view of respect for their human rights as laid down in international instruments. Both bodies have asked for reports from the Secretary-General on this subject (Sub-Commission resolution 1987/21 and Commission resolutions 1988/41, 1989/28, 1990/31 and 1991/37).

143. The Sub-Commission at its fortieth session had before it the report on this subject requested in its resolution 1987/21 (E/CN.4/Sub.2/1988/17). At that session, it adopted resolution 1988/9, pursuant to which Ms. María Concepción Bautista was entrusted with the task of undertaking an examination of the violations of the human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of those violations on the functioning of United Nations organs and agencies. The Sub-Commission requested that a preliminary report be presented to its forty-first session.

144. At its forty-first session, the Sub-Commission adopted resolution 1989/30 by which it requested the Special Rapporteur to continue to study the subject and to submit an updated version to its forty-second session.

145. At its forty-second session, having considered the updated version of Ms. Bautista's report (E/CN.4/Sub.2/1990/30), the Sub-Commission adopted resolution 1990/20, by which it invited Ms. Bautista to submit a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants. The Sub-Commission also adopted decision 1990/120 on this subject.

146. By resolution 1991/37, the Commission, for its part, requested the Secretary-General to submit an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will. At the present session, the Sub-Commission will have before it the final report by Ms. Bautista (E/CN.4/Sub.2/1991/23).

Application of international standards concerning the human rights of detained juveniles

147. By its resolution 1989/31, the Sub-Commission requested the Secretary-General to update document E/CN.4/Sub.2/1987/30 on the incarceration of children under the age of 18 with adult prisoners and to submit the revision to the forty-second session of the Sub-Commission. In addition, it decided to appoint Ms. María Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization, and the objectives of institutional treatment; further requested the Secretary-General to submit the resolution to Governments, specialized agencies and non-governmental organizations requesting their comments; and decided to continue to study these questions at its forty-second session. At its forty-second session, the Sub-Commission, by its resolution 1990/21, extended the mandate of Ms. Bautista until its forty-third session.

148. At its present session, the Sub-Commission will have before it the report of Ms. Bautista pursuant to resolution 1989/31 (E/CN.4/Sub.2/1991/24).

Report on the practice of administrative detention

149. By its resolution 1990/22,the Sub-Commission again expressed its appreciation to Mr. Louis Joinet for his revised report on the subject (E/CN.4/Sub.2/1990/29 and Add.1), invited the Commission to consider the different proposals contained in the report for the purpose of either acting upon one of them or requesting the Sub-Commission to elaborate further upon the proposal which the Commission deemed the most appropriate, and requested the Secretary-General to inform the Sub-Commission, at its forty-third session, of the action taken by the Commission pursuant to the resolution.

150. At its forty-seventh session, by resolution 1991/42, the Commission decided to create, for a three-year period, a working group composed of five independent experts with the task of investigating cases of detention imposed arbitrarily or in a manner otherwise inconsistent with the international standards set forth in the Universal Declaration of Human Rights o. in the relevant international legal instruments accepted by the States concerned. The Working Group would seek and receive information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their representatives, and carry out its mandate with discretion, objectivity and independence. It was requested to present a comprehensive report to the Commission at its forty-eighth session. The Commission recommended to the Economic and Social Council that it approve the creation of such a working group.

151. At its present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1991/25) pursuant to resolution 1990/22.

Draft declaration on the protection of all persons from enforced or involuntary disappearances

152. At its forty-second session, by resolution 1990/33, the Sub-Commission adopted the draft declaration on the subject (E/CN.4/Sub.2/1990/32, annex) and decided to transmit it to the Commission for consideration. At its forty-seventh session, the Commission, by its resolution 1991/41, expressed its appreciation to the Sub-Commission for its work and decided to establish an open-ended intersessional working group to consider the draft declaration with the view to its adoption by the Commission at its forty-eighth session in 1992. The Commission recommended to the Economic and Social Council that it authorize this working group to meet for a period of two weeks prior to the forty-eighth session. If so authorized, the working group is scheduled to meet for two weeks in November 1991.

Privatization of prisons

153. At its forty-first session, by decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martínez to prepare, without financial implications, a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the working paper to the Sub-Commission at its forty-second session.

154. The sessional Working Group on Detention established by the Sub-Commission at its forty-second session decided to postpone consideration of this item until 1991 (see E/CN.4/Sub.2/1990/32, para. 32).

Sub-item (b) Question of human rights and states of emergency

155. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Sub-Commission considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

156. In resolution 1983/18, the Commission requested the Sub-Commission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

157. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual

special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. By its resolution 1985/32, the Sub-Commission requested Mr. Leandro Despouy, the Special Rapporteur for that task, to present his first report to the Sub-Commission at its thirty-ninth session.

158. The Sub-Commission, at its forty-second session, had before it the third annual report and list of States prepared by the Special Rapporteur (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1). By its resolution 1990/19, it invited the Special Rapporteur to continue his work and to submit to the Sub-Commission the next annual report and list updated on the basis of information received. It recommended to the Commission that it recommend to the Economic and Social Council the adoption of a decision endorsing the Sub-Commission's request to the Special Rapporteur.

159. The Commission, by its decision 1991/108, decided to recommend to the Economic and Social Council the endorsement of Mr. Despouy's mandate.

160. At the present session, the Sub-Commission will have before it the next annual report and list proposed by the Special Rapporteur (E/CN.4/Sub.2/1991/28).

Sub-item (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

161. In resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3, paras. 235-237) but no action was taken.

Sub-item (d) The right to a fair trial

162. The Sub-Commission, at its forty-first session, adopted resolution 1989/27 by which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Sub-Commission.

163. Having considered the report of the two Special Rapporteurs (E/CN.4/Sub.2/1990/34), the Sub-Commission, by resolution 1990/18, recommended to the Commission that it ask the Economic and Social Council to endorse its decision to entrust Messrs. Chernichenko and Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening". The Special Rapporteurs would be requested to prepare a questionnaire for submission to Governments and organizations concerned and to submit a preliminary report based upon their study to the Sub-Commission and the Commission, at its forty-third and forty-eighth sessions respectively.

164. The Commission, by its resolution 1991/43, endorsed the request of the Sub-Commission.

165. At the present session, the Sub-Commission will have before it the preliminary report of the two Special Rapporteurs (E/CN.4/Sub.2/1991/29).

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

166. By its decision 1980/124, the Economic and Social Council authorized the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

167. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). He presented his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) to the Sub-Commission at its thirty-eighth session and drew attention, in particular, to the draft declaration on the independence of justice (E/CN.4/Sub.2/18/Add.5/Rev.1).

168. The Special Rapporteur submitted a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1) to the Sub-Commission at its fortieth session.

169. At its forty-first session, the Sub-Commission adopted resolution 1989/22 on the subject, by which it invited Mr. Louis Joinet to prepare, without financial implications, a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers, as requested in Commission resolution 1989/32.

170. The Commission on Human Rights endorsed Sub-Commission resolution 1989/22 and requested the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers (resolution 1990/33).

171. At its forty-second session, the Sub-Commission considered the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and decided, by its resolution 1990/23, to entrust Mr. Joinet with the preparation of a report:

(a) To make a system-wide analysis of the advisory service and technical assistance programmes of the United Nations as regards the independence of the judiciary and the protection of practising lawyers, propose means by which the cooperation between the programmes could be enhanced, and set forth guidelines and criteria to be taken into account in the provision of these services;

(b) To bring to the attention of the Sub-Commission information on legislative or judicial measures or other practices which have served to strengthen or to undermine the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards.

172. By the same resolution, it decided to consider this report at its forty-third session and recommended to the Economic and Social Council, through the Commission, that it endorse its decision.

173. At its present session, the Sub-Commission will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/1991/30).

Item 12. Human rights and disability

174. By its resolution 1984/20, the Sub-Commission decided to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability".

175. By the same resolution, the Sub-Commission further decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26. The Sub-Commission requested the Special Rapporteur to consider a number of specific aspects of disability in his study and to present it to the Sub-Commission for consideration at its thirty-eighth session and to the Commission on Human Rights at its forty-second session.

176. At its thirty-eighth session, the Sub-Commission considered the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1985/32) and, by its resolution 1985/34, decided to consider this item on a biennial basis beginning at its fortieth session.

177. At its fortieth session, the Sub-Commission considered the progress report of the Special Rapporteur (E/CN.4/Sub.2/1988/11) and, by its resolution 1988/8, requested the Special Rapporteur to submit a final report to the Sub-Commission at its forty-second session.

178. At its forty-second session, by decision 1990/113, the Sub-Commission decided to suspend the debate on item 12 and include it on the provisional agenda for its forty-third session as a matter of the highest priority.

179. At its present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31).

Item 13. Elimination of all forms of intolerance and of discrimination based on religion or belief

180. The General Assembly, by its resolution 37/187 of 18 December 1982, requested the Commission on Human Rights to consider measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by its resolution 36/55 of 25 November 1981. The Commission, by its resolution 1983/40, requested the Sub-Commission to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, using as terms of reference the text of the Declaration.

181. By its resolution 1983/31, the Sub-Commission appointed Mrs. Elizabeth Odio Benito to undertake the study requested in Commission resolution 1983/40. The Special Rapporteur submitted her final report (E/CN.4/Sub.2/1987/26) to the Sub-Commission at its thirty-ninth session.

182. Pursuant to Commission resolution 1988/55, the Sub-Commission considered, at its forty-first session, a working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32) containing a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief contained in the Declaration and other international instruments, and examining, mindful of General Assembly resolution 41/120 of 4 December 1986 and taking into account the provisions of existing international instruments in this field, the issues and factors which should be considered before any drafting of a further binding international instrument on freedom of religion and belief took place.

183. At that session, the Sub-Commission adopted resolution 1989/23, by which it brought to the attention of the Commission certain issues and considerations (operative paragraph 3) and reaffirmed the willingness and interest of the Sub-Commission to make a further contribution to the activities which may be considered by the Commission in this field.

184. The Commission, at its forty-sixth session adopted resolution 1990/27 which, inter alia, welcomed with appreciation the working paper prepared by Mr. van Boven.

185. With respect to the present item, the attention of the Sub-Commission is also drawn to General Assembly resolution 45/136 of 14 December 1990 and Commission resolution 1991/48.

Item 14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

186. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, in 1984, the Sub-Commission decided in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

187. By its resolution 1985/34, the Sub-Commission decided that this item would be considered on a biennial basis starting from its thirty-ninth session.

188. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life".

189. At its forty-first session, the Sub-Commission, by resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

190. At its present session, the Sub-Commission will have before it the working paper of Mr. Bhandare (E/CN.4/Sub.2/1991/32).

Item 15. Discrimination against indigenous peoples

Working Group on Indigenous Populations

191. The creation of the Working Group on Indigenous Populations was authorized by the Economic and Social Council in its resolution 1982/34 which authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication - Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

192. The Working Group on Indigenous Populations held eight sessions prior to 1991. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.2, E/CN.4/Sub.2/1988/24 and Add.1, E/CN.4/Sub.2/1989/36 and E/CN.4/Sub.2/1990/42) to the Sub-Commission. These reports were also made available to the Commission.

193. At the present session, the Sub-Commission will have before it the report of the Working Group on its ninth session (E/CN.4/Sub.2/1991/40).

Draft declaration on indigenous rights

194. By resolution 1985/22, the Sub-Commission endorsed the plan of action adopted by the Working Group for its future work, contained in annex I of its report on its fourth session (E/CN.4/Sub.2/1985/22), as well as its decision to emphasize in its forthcoming sessions the part of its mandate relating to standard-setting activities, with the aim of producing, in due course, a draft declaration on indigenous rights which might be proclaimed by the General Assembly.

195. At its forty-second session, by resolution 1990/26, the Sub-Commission expressed its appreciation to the Working Group, and especially to its Chairman/Rapporteur, Ms. Erica-Irene A. Daes, for the progress made at its ninth session in carrying out its standard-setting mandate. The Sub-Commission requested the Secretary-General to transmit the report of the Working Group to Governments, indigenous peoples, intergovernmental and non-governmental organizations for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report; to ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English; to prepare a brief note on the

financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session; and to organize a regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with Sub-Commission resolution 1989/35, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations.

196. The Sub-Commission recommended that the Chairman-Rapporteur of the Working Group be entrusted with the task of preparing an extensive analytical commentary on the articles of the draft declaration, based on her first revised text, the reports of the informal drafting groups, the debate at the eighth session of the Working Group, the written observations received, existing international human rights instruments and other available comments.

197. The Sub-Commission, by the same resolution, recommended to the Commission that the Economic and Social Council authorize the Working Group to meet for 10 days prior to the forty-third session of the Sub-Commission.

198. By its resolution 1991/59, the Commission expressed its appreciation to the working group for its valuable work and endorsed the recommendations in operative paragraphs 8 and 9 of Sub-Commission resolution 1990/26. It recommended that by the Economic and Social Council authorize the Working Group to meet for 10 working days prior to the forty-third session of the Sub-Commission.

199. At the present session, the Sub-Commission will have before it the analytical commentary on the articles of the draft declaration prepared by the Chairman/Rapporteur of the Working Group (E/CN.4/Sub.2/1991/36) and a note by the Secretary-General on the financial implications of convening sessions of the Working Group outside of Geneva (E/CN.4/Sub.2/1991/35).

Ownership and control of cultural property of indigenous peoples

200. At its forty-second session, the Sub-Commission, by its resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session, and requested all organs and organizations of the United Nations system with relevant expertise to provide Ms. Daes with the information and assistance she may require for the completion of this task.

201. At its present session, the Sub-Commission will have before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34).

Economic and social relations between indigenous peoples and States

202. At its forty-second session, the Sub-Commission, by its resolution 1990/27, recommended that the United Nations Conference on Environment and Development provide indigenous people's organizations with effective means of participating directly in its work, and that any new

conventions which may be adopted regarding biodiversity, or conserving renewable resources, provide explicitly for the role of indigenous peoples as resource users and managers, and for the protection of indigenous peoples' right to control of their own traditional knowledge of ecosystems; and invited the Special Rapporteur on human rights and the environment to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and also invited the Special Rapporteur on compensation for human rights violations to address indigenous concerns in his forthcoming reports to the Sub-Commission. The Sub-Commission requested the Secretary-General to convene, as soon as possible, the meeting of experts on indigenous self-government and the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples, and to include indigenous experts among the invitees in accordance with existing practice; to bring the resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and the Chairman of the Preparatory Committee for the Conference, drawing their attention in particular to the recommendations contained in paragraph 1, and invite them to indicate what steps they may be able to take in accordance with those recommendations; to arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation of projects; to invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session; and to submit a report to its forty-third session on the measures taken to implement the present resolution, and on the results achieved.

203. At its present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1991/37).

Study on the significance of treaties, agreements and other constructive arrangements

204. By resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. By the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

205. In accordance with a recommendation made by the Commission in resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between

indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

206. By resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted its resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

207. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Sub-Commission.

208. At its present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1991/33).

International Year for the World's Indigenous Peoples

209. The Sub-Commission, in resolution 1987/15, recommended that the General Assembly should proclaim the year 1992 the "International Year of the World's Indigenous Populations". The Commission and the Economic and Social Council, by resolutions 1988/58 and 1988/37 respectively, recommended that the General Assembly should, when appropriate, proclaim such an international year.

210. By its resolution 1988/19, the Sub-Commission recommended that an international year for indigenous rights should be proclaimed to coincide with the end of the Second Decade for Action to Combat Racism and Racial Discrimination in 1993, and requested the Secretary-General to bring that resolution to the attention of the General Assembly in connection with its consideration of resolution 1988/37 of the Economic and Social Council. The resolution was brought to the attention of the General Assembly at its forty-third session. No action on the matter was taken by the Assembly at that session.

211. By resolution 1989/36, the Sub-Commission entrusted Mr. Asbjørn Eide and Ms. Christy Mbonu with the task of preparing a working paper on possible United Nations activities for an international year for indigenous rights, with an explicit focus on the development process and on promoting international cooperation with indigenous peoples' organizations.

212. In its decision 1990/113, the Commission decided to recommend that the Economic and Social Council recommend to the General Assembly that it proclaim an International Year for the World's Indigenous Peoples, in 1993 or another appropriate year, in accordance with established procedures governing the proclamation of international years.

213. At its forty-second session in resolution 1990/29, the Sub-Commission requested Mr. Eide and Ms. Mbonu to submit a second working paper providing more specific suggestions for activities that might be carried out at the national and international levels during the international year.

214. At the forty-fifth session, by resolution 45/164, the General Assembly proclaimed 1993 as International Year for the World's Indigenous People. It requested the Commission to consider possible United Nations activities in connection with the Year and requested the Secretary-General to submit to its forty-sixth session a draft programme of activities.

215. The Commission, at the forty-seventh session adopted resolution 1991/57 by which it recommended that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they can make to the success of the International Year for the World's Indigenous People, be guided by how: (a) their operational activities can most effectively contribute to the solution of problems faced by indigenous people; and (b) indigenous people can play an important role in the planning, implementation and evaluation of projects which may affect them. It requested the Secretary-General, in preparing the draft programme of activities for the International Year, requested by the General Assembly in its resolution 45/164, to take into account the ongoing work of the Sub-Commission as well as the Working Group on Indigenous Populations and to consider specific recommendations for the coordination and implementation of the draft programme of activities.

216. The Sub-Commission, at its present session, will have before it the working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1991/39).

United Nations Voluntary Fund for Indigenous Populations

217. As recommended by Sub-Commission resolution 1984/35 C, Commission resolution 1985/29 and Economic and Social Council resolution 1985/38, the General Assembly, by resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its fourth session in April 1991.

218. The General Assembly, by its decision 45/433, called for contributions to the Voluntary Fund and for the wide dissemination of information about the activities of the Fund.

Relocation of Navajo and Hopi families

219. At its forty-second session, by resolution 1990/34, the Sub-Commission requested its Chairman to convey copies of the resolution to the interested parties along with the assurances of the continuing interest of the Sub-Commission in an early and equitable resolution of the situation.

Item 16. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

220. By its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

221. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery by its resolution 11 (XXVII) of 21 August 1974. By its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

222. At its fortieth session the Sub-Commission adopted resolution 1988/31, by which it approved the programme of work of the Working Group for the period 1989-1991. This programme of work included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991). In addition, at each session, the Working Group will review information received on the status and the implementation of conventions on slavery and slavery-like practices, review developments in other fields of contemporary forms of slavery and consider the recommendations adopted at previous sessions.

223. The Sub-Commission, in its resolution 1989/41, requested, inter alia, the Secretary-General to submit to the Sub-Commission, at its forty-second session, a report on the adoption of children for commercial purposes and on the recruitment of children into governmental and non-governmental armed forces and their participation in hostilities, taking into account the comments of Governments and further information received by him.

224. In the same resolution, the Sub-Commission decided to consider these matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

225. The Working Group on Contemporary Forms of Slavery will hold its sixteenth session from 29 July to 2 August 1991, at Geneva.

226. In its resolution 1991/58, the Commission on Human Rights encouraged the Sub-Commission, including its Working Group, once again to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Slavery Convention. It recommended to the General Assembly that it establish a voluntary fund on contemporary forms of slavery and requested Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution, and to take appropriate economic and social measures deemed necessary to that effect. It further recommended that the Working Group should consider these concerns at its sixteenth session.

Exploitation of child labour and debt bondage

227. At its forty-second session, in resolution 1990/30, the Sub-Commission requested the Commission to authorize it to consider the possibility of updating Mr. Abdelwakhab Bouhdiba's study on child labour, and in resolution 1990/31 endorsed a programme of action for the elimination of the exploitation of child labour.

228. By its resolution 1991/55, the Commission endorsed the views expressed by the Sub-Commission on the need to adopt a concerted programme of action decided to transmit the draft submitted by the Sub-Commission in resolution 1990/31 to Governments and international organizations for their comments. It requested the Secretary-General to submit a report of the replies received to the Commission at its forty-eighth session, at which time the Commission would examine the draft programme along with the report of the Secretary-General.

Sale of children, child prostitution and child pornography

229. Based on the recommendation of the Sub-Commission contained in its resolution 1989/42, the Commission on Human Rights, by its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Special Rapporteur, in fulfilling his mandate, was invited to take account of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intended to include in his report and to carry out his task with discretion and independence. The Special Rapporteur was further requested to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, along with his conclusions and recommendations.

230. The Sub-Commission, in its resolution 1990/30, welcomed the appointment of the Special Rapporteur, Mr. Vitit Muntarbhorn, for a term of two years and invited him to examine ways and means of cooperating with the Working Group on Contemporary Forms of Slavery. The Commission, by its resolution 1991/58, endorsed the invitation of the Sub-Commission.

231. By its resolution 1991/54, the Commission requested the Special Rapporteur to consider the possibility of attending the meetings of the Working Group and requested the Under-Secretary-General for Human Rights to provide the Sub-Commission with the necessary cooperation for the fulfilment of this mandate. The Commission further decided to refer to the Sub-Commission the draft programme of action for prevention of sale of children, child prostitution and child pornography so that it might make the necessary amendments thereto in the light of opinions received from Governments and organizations contained in the report of the Secretary-General (E/CN.4/1991/50 and Add.1). The Commission requested the Sub-Commission fully to reflect the 10-point programme of the World Declaration on the Survival, Protection and Development of Children (see E/CN.4/1991/59, annex, para. 20) adopted by the World Summit for Children on 30 September 1990, and to give the highest priority to the reformulation of the draft programme so that it might be adopted by the Commission at its forty-eighth session.

Child soldiers

232. In its resolution 1990/30, the Sub-Commission welcomed the decision of the Working Group on Contemporary Forms of Slavery to place this subject on the agenda for its sixteenth session.

233. At the present session, the Sub-Commission will have before it the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41).

Item 17. Promotion, protection and restoration of human rights at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

234. At the 30th meeting of its thirty-seventh session, on 31 August 1984, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

235. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/12, referring, inter alia, to Commission resolution 1985/13, requested Mr. Dimitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic. The Commission, by its resolution 1987/44, took note of the above-mentioned resolution of the Sub-Commission.

236. The Sub-Commission considered the question of the availability of the study of the Special Rapporteur at some length at its fortieth and forty-first sessions, adopting resolutions 1988/37 and 1989/45. It will be recalled that the personal situation of the Special Rapporteur, Mr. Mazilu, was the subject of consideration by the Commission on Human Rights and the Economic and Social Council. At the request of the latter, the International Court of Justice gave an advisory opinion on 15 December 1989 on the applicability of the

Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission (see E/1990/15/Add.1).

237. At its forty-second session, having considered the updated report of the Special Rapporteur, the Sub-Commission decided, by resolution 1990/32, to request Mr. Mazilu to update and complete his report and to present it at its forty-third session.

238. The Commission on Human Rights, by its resolution 1991/64, reaffirmed the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all, as well as the fact that youth attached crucial importance to the promotion of international peace and cooperation and the enjoyment of human rights and fundamental freedoms. It called upon all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people. In addition, the Commission called upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the overall development of their countries.

239. By its resolution 1991/65, the Commission requested the Secretary-General to report on the question of conscientious objection to military services.

240. At the present session, the Sub-Commission will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/1991/42).

Sub-item (b) Prevention of discrimination and protection of women

241. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda a sub-item on the prevention of discrimination and protection of women.

242. The Sub-Commission at its thirty-ninth session adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it expressed its belief that it should devote greater attention to prevention of discrimination against women, particularly in relation to development, and in coordination with other relevant bodies of the United Nations, and decided to consider, at its forty-first and future sessions, and in connection with the item of its agenda entitled "The New International Economic Order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development" (see annotations to item 7 (a)).

243. In that resolution, the Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 18. Protection of minorities

244. The Sub-Commission, at its fortieth session, by resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

245. At its forty-first session, the Sub-Commission, by resolution 1989/44, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider these issues at its forty-second and future sessions under a separate agenda item. By decision 1990/105, the Commission on Human Rights endorsed the decision of the Sub-Commission to entrust Mr. Eide with the task of preparing a study.

246. In its resolution 1990/5, the Sub-Commission, having considered the report prepared by Mr. Eide (E/CN.4/Sub.2/1990/46), requested him to submit a preliminary report to the Sub-Commission at its forty-third session. It recommended to the Commission on Human Rights that it endorse the working methods proposed by the Special Rapporteur and approve the undertaking of his study. In its resolution 1991/62, the Commission endorsed the recommendation of the Sub-Commission.

247. The Sub-Commission will note that the Commission, at each session since the thirty-fourth, has established an open-ended working group to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. At its forty-seventh session, the working group began the second reading of the draft declaration (see E/CN.4/1991/53). By resolution 1991/61, the Commission requested the Economic and Social Council to authorize an open-ended working group to meet intersessionally for a period of two weeks at the beginning of December 1991 to complete its second reading.

248. At the present session, the Sub-Commission will have before it the preliminary report of Mr. Eide (E/CN.4/Sub.2/1991/43).

Item 19. The right of everyone to leave any country, including his own, and to return to his country

249. The Sub-Commission, by its resolution 1988/39, decided to consider this matter under a separate item on its agenda at its forty-first session.

250. At its forty-first session, by resolution 1989/25, the Sub-Commission decided to establish a sessional working group with a view to preparing a revised version of the draft declaration on the subject.

251. At its forty-second session, by decision 1990/123, the Sub-Commission decided to establish, at its forty-third session, a working group to continue work on the draft declaration. It requested Mr. W. Sadi to prepare the revised version of the draft declaration, on the basis of the discussions in the open-ended working group at its forty-second session and the comments and proposals contained in document E/CN.4/Sub.2/1990/47, to be submitted in 1991 for analysis and discussion by the working group with a view, if possible, to its submission to the Sub-Commission at its forty-third session. It

further decided, if appropriate, to invite the Special Rapporteur, Mr. Mubanga-Chipoya, to be present in Geneva during the meetings of the working group.

252. At its present session, the Sub-Commission will have before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional working groups (E/CN.4/Sub.2/1991/45).

Item 20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fourth session of the Sub-Commission

253. The Economic and Social Council, by its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

254. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-third session, a note containing a draft provisional agenda for the forty-fourth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1991/L.1).

Item 21. Adoption of the report on the forty-third session

255. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the Secretariat.

ANNEX

Members and Alternates of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Mr. Miguel Alfonso Martínez	(Cuba)
*Mr. Julio H. Pérez	
Mr. Awn Shawkat Al-Khasawneh	(Jordan)
*Mr. Waleed M. Sadi	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Ms. Mary Concepción Bautista	(Philippines)
*Ms. Haydee B. Yorac	
Mr. Theodoor Cornelis van Boven	(Netherlands)
*Mr. Cornelis Flinterman	
Mr. Stanislav Valentinovich Chernichenko	(Union of Soviet Socialist Republics)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
*Mr. Alexis Heraclides	
Mr. Leandro Despouy	(Argentina)
*Mr. Juan Carlos Hitters	
Mr. Ion Diaconu	(Romania)
*Mr. Ioan Maxim	
Mr. Asbjørn Eide	(Norway)
Mr. Jan Helgessen	
Mr. El Hadji Guissé	(Senegal)
*Mr. Ndary Toure	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Claude Heller	(Mexico)
*Mr. Hector Fix Zamudio	
Mr. Aidid Abdillahi Ilkahanaf	(Somalia)
*Mr. Mohamed Isa Turunji	
Mr. Louis Joinet	(France)
*Mr. Alain Pellet	

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* Alternate.

Mr. Ahmed Khalifa	(Egypt)
Ms. Fatma Zohra Ksentini *Ms. Farida Aiouaze	(Algeria)
Ms. Claire Palley *Mr. John Merills	(United Kingdom of Great Britain and Northern Ireland)
Mr. Rafael Rivas Posada *Mr. Eduardo Suescún Monroy	(Colombia)
Mr. Gilberto Vergre Saboia *Ms. Marília S. Zelner Gonçalves	(Brazil)
Mr. Rajindar Sachar	(India)
Mr. Jin Tian *Mr. Daode Zhan	(China)
Mr. William W. Treat *Mr. John Carey	(United States of America)
Mr. Danilo Türk *Ms. Lidija R. Basta	(Yugoslavia)
Ms. Halima Embarek Warzazi *Mr. Mohamed Laghmari	(Morocco)
Mr. Fisseha Yimer	(Ethiopia)

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/1/Add.2
20 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-third session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Addendum

1. This document completes the annotations to the provisional agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session (E/CN.4/Sub.2/1991/1/Add.1). Its purpose is to bring to the attention of the Sub-Commission those resolutions and decisions adopted by the Economic and Social Council at its first regular session in 1991 which are considered relevant to the agenda items of the forty-third session of the Sub-Commission. A list of those resolutions and decisions is annexed.

Item 3. Review of the work of the Sub-Commission

2. The Economic and Social Council, in its decision 1991/248, approved the recommendation of the Commission on Human Rights contained in its resolution 1991/56 to invite the Chairman of the Commission to inform the Sub-Commission concerning the debate on the report of the Sub-Commission on its forty-second session and to report to the Commission at its forty-eighth session on the implementation of the guidelines provided in the resolution.

GE.91-12217/0522H

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

Human rights and environment

3. By its decision 1991/244, the Economic and Social Council endorsed Sub-Commission resolution 1990/7, by which it entrusted Ms. Fatma Zohra Ksentini with the task of preparing a study on human rights and environment. The Secretary-General was requested to provide her with all the assistance she might need for the completion of her task.

Provisional suspension of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

4. By its resolution 1991/32, the Economic and Social Council approved the recommendation of the Commission on Human Rights, contained in its resolution 1991/81, that the Council interpret rule 59 of the rules of procedure so as to allow the Sub-Commission to vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot when it so decides by a majority of its present and voting members.

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

5. In its resolution 1991/2, the Economic and Social Council reaffirmed the importance of achieving the objectives of the Second Decade to Combat Racism and Racial Discrimination. It called upon South Africa to exercise its responsibility to end the violence in that country and thus sustain the emerging political climate. Governments were called upon to encourage positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, to take or continue to take all necessary measures to combat all forms of racism and racial discrimination, and to support the work of the Second Decade. The Council welcomed the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the proclamation of the International Year of the World's Indigenous People. The Economic and Social Council further reaffirmed the need to continue giving particular attention to the elimination of apartheid within the activities of the Programme of Action for the Second Decade, and the importance of public information activities in combating racism and racial discrimination.

6. By its decision 1991/234, the Economic and Social Council approved the Commission's request to the Secretary-General to prepare and finalize a handbook of recourse procedures for victims of racism and racial discrimination and to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination.

Sub-item (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

7. By its resolution 1991/26, the Economic and Social Council welcomed with satisfaction Commission resolution 1990/22 in which the Commission invited the Special Rapporteur, Mr. Ahmed Khalifa, to continue to update his list of banks, transnational corporations and other organizations assisting South Africa.

8. Under the present item, the Sub-Commission may further wish to take note of Economic and Social Council resolution 1991/20 of 30 May 1991 entitled "Women and children under apartheid" and resolution 1991/37 of 31 May 1991 entitled "Infringement of trade union rights in South Africa".

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission established under Commission on Human Rights resolution 8 (XXIII)

9. The following decisions of the Economic and Social Council relating to resolutions adopted by the Commission on Human Rights at its forty-seventh session are drawn to the attention of the Sub-Commission:

1991/237	Situation of human rights in South Africa
1991/246	Assistance to Guatemala in the field of human rights
1991/251	Situation of human rights in Kuwait under Iraqi occupation
1991/252	Situation of human rights in Cuba
1991/253	Situation of human rights in Romania
1991/256	Situation of human rights in Iraq
1991/257	Situation of human rights in El Salvador
1991/258	Situation of human rights in Haiti
1991/259	Situation of human rights in Afghanistan
1991/260	Situation in Equatorial Guinea
1991/261	Situation of human rights in the Islamic Republic of Iran
1991/268	Situation of human rights in southern Lebanon
1991/269	Situation in Cambodia

Item 8. The realization of economic, social and cultural rights

10. By its decision 1991/235, the Economic and Social Council endorsed the recommendation of the Commission, contained in its resolution 1991/18, to request the Secretary-General to organize an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

11. By its resolution 1991/27, the Economic and Social Council approved the request of the Commission, contained in its resolution 1991/41, to authorize an open-ended working group to meet for a period of two weeks prior to the forty-eighth session of the Commission to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance. The working group is expected to meet in October 1991.

Sub-item (b) Question of human rights and states of emergency

12. The Economic and Social Council, in its decision 1991/262, endorsed the request of the Sub-Commission, contained in resolution 1990/19, to the Special Rapporteur, Mr. Leandro Despouy, to continue to update the list on states of emergency and to present in his annual report to the Sub-Commission and the Commission draft standard provisions on emergency situations.

Sub-item (d) The right to a fair trial

13. The Economic and Social Council adopted resolution 1991/28 in which it endorsed Sub-Commission resolution 1990/18 and the requests contained therein to the two Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat.

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

14. By its decision 1991/241, the Economic and Social Council approved the decision of the Sub-Commission (resolution 1990/23) and the Commission (resolution 1991/39) to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary.

Item 15. Discrimination against indigenous peoples

15. By its decision 1991/249, the Economic and Social Council authorized the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-third session of the Sub-Commission and requested the Secretary-General to ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both English and Spanish. The Working Group will meet from 22 July to 2 August 1991.

Item 16. Contemporary forms of slavery

16. The attention of the Sub-Commission is drawn to Economic and Social Council resolutions 1991/34 and 1991/35 of 31 May 1991.

17. In resolution 1991/34, the Economic and Social Council requested the General Assembly to establish a voluntary fund on contemporary forms of slavery aimed at assisting representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery and to extend, through established channels, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

18. In its resolution 1991/35, the Council requested the Secretary-General to submit a further report to the Council on the steps taken to implement the recommendations contained in its resolution 1983/30 and to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery. It further endorsed the recommendations of the Commission in paragraphs 10 and 11 of resolution 1991/58.

Item 18. Protection of minorities

19. By its decision 1991/250, the Economic and Social Council approved the request of the Commission, contained in its resolution 1991/62, to the Special Rapporteur, Mr. Asbjørn Eide, to submit a preliminary report to the Sub-Commission at its forty-third session and requested the Secretary-General to organize a technical meeting of experts for three days to enable the Special Rapporteur to carry out his work successfully.

Annex

LIST OF RESOLUTIONS AND DECISIONS ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS FIRST REGULAR SESSION OF 1991 RELATING TO ITEMS OF THE PROVISIONAL AGENDA OF THE FORTY-THIRD SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

ECOSOC resolution No.		Sub-Commission provisional agenda item
1991/2	Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	5 (a)
1991/9	United Nations Decade of Disabled Persons	12
1991/11	Integration of young people into society: participation, development, peace	17 (a)
1991/15	Crime prevention and criminal justice	10 (a)
1991/18	Violence against women in all its forms	17 (b)
1991/19	Situation of and assistance to Palestinian women	17 (b)
1991/20	Women and children under apartheid	5 (a)
1991/21	Disabled women	12
1991/25	Elimination of discrimination against women in accordance with the aims of the Convention on the Elimination of All Forms of Discrimination against Women	17 (b)
1991/26	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	5 (b)
1991/27	Question of enforced or involuntary disappearances	10 (a)
1991/28	Right to a fair trial	10 (d)
1991/29	Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care	4
1991/30	Rights of persons belonging to national, ethnic, religious or linguistic minorities	18

ECOSOC resolution No.		Sub-Commission provisional agenda item
1991/31	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	4
1991/32	Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	4
1991/33	International Covenants on Human Rights	4
1991/34	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	16
1991/35	Suppression of the traffic in persons	16
1991/36	Developments relating to the activities of the Centre for Human Rights	4
1991/37	Infringements of trade union rights in South Africa	5 (a)
ECOSOC decision No.		
1991/234	Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	5 (a)
1991/235	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	8
1991/236	Respect for the right of everyone to own property alone as well as in association with others	8
1991/237	Situation of human rights in South Africa	6
1991/238	Internally displaced persons	6
1991/239	World Conference on Human Rights	4

ECOSOC decision No.		Sub-Commission provisional agenda item
1991/241	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	11
1991/242	Question of enforced or involuntary disappearances	10 (a)
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UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/1/Add.3
29 July 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Addendum

1. The annotations to the provisional agenda (E/CN.4/Sub.2/1991/1/Add.1) contain a reference, under agenda item 8, to human rights and extreme poverty (paras. 117-119).

2. By resolution 44/148 of 15 December 1989, the General Assembly requested the Commission on Human Rights to obtain from States, the specialized agencies and organizations of the United Nations system, as well as from other international organizations, including non-governmental organizations, their views and to study the question.

3. At its forty-sixth session, the Commission on Human Rights, aware of the necessity of a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights, adopted resolution 1990/15, entitled "Human Rights and extrême poverty". In that resolution, the Commission requested States, United Nations bodies, the specialized agencies and other international organizations, including non-governmental

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organizations, when making known their views on human rights based on solidarity, pursuant to General Assembly resolution 44/148, to give the necessary attention to the fact that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is required to eliminate them.

4. It also requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study on this question.

5. By 30 April 1991, the Secretary-General had received substantive replies from over 20 Governments, United Nations bodies, intergovernmental and governmental organizations to General Assembly resolution 44/148 and Commission on Human Rights resolution 1990/15.

6. Although in neither of the two resolutions has a report on the basis of the replies received been requested the Secretary-General considered it opportune to undertake a compilation of the views and comments that he received on the subject, particularly in view of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1990/119, in which it requested one of its members to prepare the method and plan of work for the study on human rights and extreme poverty requested by Commission on Human Rights resolution 1990/15 (E/CN.4/Sub.2/1991/18).

7. At its present session, the Sub-Commission will have before it the report of the Secretary-General on extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1).